

Message Text

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TO AMEMBASSY VIENNA PRIORITY
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TAGS: UN, AORG, AU

SUBJECT: PROPOSED MOVE OF UN INTERNATIONAL TRADE LAW
BRANCH TO VIENNA

1. BEGIN SUMMARY: AMERICAN BAR ASSOCIATION AND OTHER MAJOR
US LEGAL GROUPS HAVE SUBMITTED RESOLUTIONS TO SECSTATE
MAINTAINING THAT PROJECTED MOVE TO VIENNA OF NEW YORK BASED
INTERNATIONAL TRADE LAW BRANCH WILL HAVE A SUBSTANTIALLY
ADVERSE EFFECT UPON ITS FUNCTIONING. CONSEQUENTLY THEY
OPPOSE THE MOVE. DEPT IS CONSIDERING SUGGESTING TO UN
SECRETARIAT THAT, WHILE UNCITRAL REMAIN ON REMOVAL LIST,
IT ACTUALLY BE MOVED LAST. ACTION REQUESTED: IN VIEW
AUSTRIAN SENSITIVITIES ABOUT CHANGES IN MOVE PLANS, EARLY
EMBASSY COMMENT ON THIS QUESTION IS REQUESTED. END SUMMARY
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2. MAJOR THRUST OF OBJECTORS TO PROPOSED UNCITRAL MOVE
IS THAT NEW YORK, AS A MAJOR CENTER OF WORLD TRADE, HAS
AVAILABLE FOR BRANCH USE FACILITIES, EXPERTISE, KNOWLEDGE
AND RESOURCES THAT, THEY CLAIM, APPEAR TO BE ALMOST
TOTALLY LACKING IN VIENNA. AMONG MOST SERIOUS REPORTED
VIENNA DEFICIENCIES IS LACK OF LIBRARY RESOURCES FOR

RESEARCH IN INTERNATIONAL AND COMPARATIVE TRADE LAW. OBJECTORS MAINTAIN THAT THE WORK OF THE BRANCH IS HEAVILY DEPENDENT ON READY ACCESS TO A WIDE VARIETY OF LEGAL

MATERIALS WHICH NEW YORK, WITH THE RESOURCES OF COLUMBIA, NYU, LOCAL BAR ASSOCIATIONS, THE NYPL, AND THE UN LIBRARY, CAN PROVIDE. THEY CLAIM THAT LIBRARY RESOURCES IN VIENNA LACK STATUTES, TRADE REGULATIONS AND JUDICIAL DECISIONS OF THE COUNTRIES OF THE WORLD IN THE ENGLISH AND FRENCH LANGUAGES, AND THAT IT WILL BE NECESSARY TO ESTABLISH AN ADEQUATE TRADE LAW LIBRARY THERE. SOME MINIMUM COST ESTIMATES FOR SUCH A LIBRARY EXCEED ONE MILLION DOLLARS.

3. ONE THE ONE HAND IT IS WONDERED WHETHER THE TRANSFER OF A VERY LIMITED NUMBER OF POSITIONS IS WORTH THIS EXPENSE. IT IS BEING CONSIDERED WHETHER THE CONSEQUENCES OF UNCITRAL SHIFT TO VIENNA SHOULD BE BROUGHT TO THE ATTENTION OF THE UN SECRETARIAT AT A HIGH LEVEL, WITH THE SUGGESTION THAT, WHILE UNCITRAL REMAIN ON THE REMOVAL LIST, IT ACTUALLY BE MOVED LAST, IN THE HOPE THAT, BY THEN, THE VIENNA OFFICES WILL OTHERWISE HAVE BEEN FILLED. SUPPORTERS OF THIS ACTION BELIEVE THAT THE DEPARTMENT SHOULD NOT NOW DEPART FROM ITS POSITION OF RESPECTING THE MANAGERIAL JUDGMENTS OF THE SEC GEN IN DEALING WITH THE MOVEMENT OF SECRETARIAL UNITS NOR OF OUR SUPPORT FOR UNCLASSIFIED

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VIENNA AS A THIRD UN CITY. HOWEVER, THEY POINT OUT THAT APPARENTLY THE COSTS OF LIBRARY FACILITIES WERE NOT CONSIDERED WHEN THE UNGA DECISION TO INCLUDE UNCITRAL WAS MADE AND THAT THE PROPOSED APPROACH IS NOT INCONSISTENT WITH GENERAL USG POLICY SINCE ALL THAT IS SUGGESTED IS THAT UNCITRAL BE THE LAST OF THE UNITS ACTUALLY TO BE MOVED.

4. ON THE OTHER HAND, IT IS SUGGESTED THAT THIS APPROACH COULD BE CONSTRUED AS A COURSE WHICH WE HAVE REPEATEDLY TOLD AUSTRIA, SWITZERLAND, THE UN AND CONCERNED US GROUPS WE WOULD NOT FOLLOW, AND COULD DAMAGE DEPARTMENT CREDIBILITY. OTHER GROUPS DUE TO MOVE TO VIENNA WILL ALSO WANT THEIR SPECIAL INTERESTS PROTECTED, AND WE WILL BE UNABLE TO DELIVER. THE QUESTION IS WHETHER THE SPECIAL CONSIDERATIONS SET FORTH ABOVE SUFFICIENTLY DISTINGUISH THIS CASE FROM OTHERS.

5. ACTION REQUESTED: IN VIEW AMBASSADOR WOLF'S INTEREST IN THE DEVELOPMENT OF THE UN CENTER IN VIENNA AND AUSTRIAN SENSITIVITIES, DEPARTMENT WOULD APPRECIATE EARLY EMBASSY COMMENT ON RELEVANT VIENNA LIBRARY FACILITIES AND

THE DESIRABILITY OF ABOVE APPROACH TO UN SECRETARIAT.

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